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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/066,300	01/31/2002	Lorinda R. Opsahl-Ong	G04.017	2021

28062 7590 01/29/2007
BUCKLEY, MASCHOFF, TALWALKAR LLC
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NEW CANAAN, CT 06840

EXAMINER

BARTLEY, KENNETH

ART UNIT	PAPER NUMBER
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3693

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	01/29/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary	Application No. 10/066,300	Applicant(s) OPSAHL-ONG ET AL.	
	Examiner Kenneth L. Bartley	Art Unit 3693	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 31 January 2002.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date <u>08/29/2002</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. Claims 1-20 have been examined.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting directly or indirectly from an international application filed before November 29, 2000. Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

3. Claims 1-20 are rejected under 35 U.S.C. 102(e) as being anticipated by U.S. Patent 6,823,319 to Lynch, et al..
4. Regarding applicant claims 1-20, Lynch, et al., discloses:

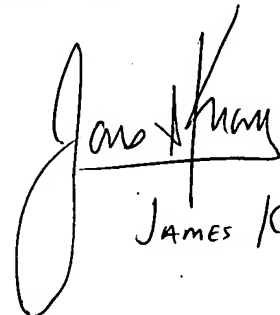
- a. An (computer) automated deal processing for customers (col. 1, lines 59-67 and col. 2, lines 1-5), where loans include mortgages (col. 2, lines 25-29) and customers can include businesses (col. 3, lines 26-29);
- b. A preferred loan amount is generated (col. 13, lines 11-15), based on collateral information supplied by the customer (col. 1, lines 59-63) as well as additional information;
- c. Additional information is provided that is related to the potential loan, for example income and existing debt (col. 7, lines 50-58);
- d. Real estate deal can include lenders (col. 2, lines 8-10) and investors (col. 5, lines 1-7);
- e. Loan-to-value ratio is part of loan determination process (col. 9, line 67 and col. 10, lines 1-4);
- f. Customer can refinance or consolidate debt (col. 7, lines 15-20);
- g. An incremental price, determined in part on risk factors, that would include the loan amount and property type (col. 10, lines 65-67 and col. 11, lines 1-7);
- h. Rental income provided by the borrower (col. 22, line 13, Table 2);
- i. Origination rules, including exclusionary rules, pricing rules, risk rules, and edit preference rules (col. 1, lines 64-66);
- j. Appraisal information based on similar properties (col. 8, lines 29-34), which would be expert information;
- k. Information in a "deal structuring record" that contains exclusionary rules that can be used on a property (col. 9, lines 19-27);

- l. An up-sell option that increases the amount of the "preferred loan" (col. 13, lines 19-20) and a modified option, that may decrease the amount of the loan (col. 10, lines 40-46);
- m. Internet and local network (intranet) access and interface for communication of information (col. 4, lines 40-48 and Fig. 1). Customer also has access to a computer interface, which could be used for either a workstation or laptop, and a telephone interface (col. 4, lines 48-50);
- n. An "...incremental price, expressed in basis points added to the interest rate of the preferred mortgage loan option, is calculated, in part, on the risk factors..." (col. 10, lines 65-67);
- o. A "deal structure system" that includes a computer with a processor, a storage device for software (col. 4, lines 21-31). The DSS can be "...a mainframe computer, a minicomputer, a microcomputer, or other general purpose machine." (col. 4, lines 23-27). Therefore, more than one DSS can exist and while communication between DSS is not discussed, the computer has communication interface capability and therefore could be linked to another deal controller;
- p. An "existing loan origination database" (col. 7, lines 9-11) for potential loans and database(s) to store all information submitted by a customer (col. 18, lines 20-24);
- q. Salespeople can access the deal controller (col. 4, lines 50-55).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kenneth L. Bartley whose telephone number is (571) 272-5230. The examiner can normally be reached on Monday through Friday, 8:00 - 5:00 EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, James Kramer can be reached on (571) 272-6783. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

 1/22/07
JAMES KRAMER